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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	No. CR 09-0381 NJV
Plaintiff,	MODIFIED ORDER FOR CRIMINAL
v.	PRETRIAL PREPARATION
WAYNE ALAN WATERS and	
JOYCE LINNETTE WATERS	
Defendants.	

_____/

Good cause appearing, IT IS HEREBY ORDERED that:

A. TRIAL DATE. Trial before the JURY shall begin on October 5, 2009 at 9:00 a.m. in Courtroom 205A, 514 H Street, Eureka, California.

B. TRIAL LENGTH. The estimated length of trial is five days.

C. MOTIONS. All motions shall comply with Criminal Local Rule 47-2 and shall be heard on September 14, 2009 at 1:00 p.m. in Courtroom 205A. All motions shall be filed and served in accordance with the Local Rules of Criminal Procedure

D. PRETRIAL CONFERENCE. A final pretrial conference shall be held on September 28, 2009 at 11:00 a.m. in Courtroom 205A. Not less than four days before the Pretrial Conference, counsel for the Government shall:

1 (1) Serve and file a trial memorandum briefly stating the legal basis for the charges and
2 the anticipated evidence, and addressing any evidentiary, procedural or other anticipated legal
3 issues, including but not limited to the matters listed in Criminal Local Rule 17.1-1(b)(1) - (15);

4 (2) Serve and file a list of all witnesses who may be called, together with a brief
5 summary of the testimony of each;

6 (3) Serve and file proposed jury instructions on all substantive issues and on any
7 procedural issue not adequately covered by the court's standard instructions (which are
8 published in the Ninth Circuit Manual of Model Jury Instructions);

9 (a) any instruction contained in the Ninth Circuit Model
10 Instructions Manual may be requested by designation of its
11 number;

12 (b) each other instruction shall be requested by setting forth the
13 instruction in full text on a separate sheet with reference to
14 supporting legal authority;

15 (4) Serve and lodge a proposed form of verdict and proposed questions for jury voir
16 dire; and

17 (5) Serve and lodge three sets of all exhibits to be offered at trial, together with a
18 complete list of those exhibits. Each item shall be premarked using the form attached;
19 generally, the government shall use numbers and the defendant shall use letters. (See
20 attachment).

21 Not less than four days before the Pretrial Conference, defense counsel shall comply
22 with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right
23 to an effective defense, with subparagraphs (1),(2) and (5) above.

24 In particular, counsel shall confer in advance and be prepared to discuss with the court
25 any anticipated evidentiary objections or motions in limine and any means for shortening and
26 simplifying the trial (e.g., by stipulating to such matters as chain of custody, nature of
27 substances, use of the mails, admissibility of copies, etc.)

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1 E. CHALLENGES. The procedure for exercising peremptory challenges in Criminal
2 Local Rules 24-2 and 24-3 will be observed absent objection by the parties.

3 F. COPIES. Each document filed or lodged with the court must be accompanied by a
4 copy for use in the Judge's chambers.

5 G. TRANSCRIPTS. If transcripts will be requested during or immediately after trial,
6 arrangements must be made with the Court Reporter at least one week before trial
7 commences. Call (707) 445 3612.

8 H. CHANGE OF PLEA. Counsel shall give prompt notice to the United States Attorney
9 and to the court of any intention to change a previously entered not guilty plea. A written plea
10 agreement must be submitted at least one day in advance of the plea.

11 DATED: 6/17/09

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14 NANDOR J. VADAS
15 United States Magistrate Judge
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ATTACHMENT 5, EXHIBIT FORM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date Entered: _____

RICHARD W. WIEKING, Clerk

By: _____
Deputy Clerk